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Barrett M. Kreiner

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One AT&T Way

Bedminster, NJ 07921

EXAMINER

VU, TUAN A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,895	Applicant(s) KREINER ET AL.	
	Examiner TUAN A. VU	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-10,12 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,12 and 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2193

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 1/31/09.

As indicated in Applicant's response, claims 1, 6-10, 20-21, 26, 30 have been amended.

Claims 1, 6-10, 12, 20-30 are pending in the office action.

Claim Objections

2. Claims 1, 20, 21, 26, 30 are objected to because of the following informalities: The use of terminology regarding instructions/input or object/data received/translated at either client-end computer or server-end computer is deemed marred with hard-to-construe repetition of terms like *first input instruction, outgoing instruction, incoming instructions, second user input instruction, the system output instructions, outgoing software object, incoming software object, second operating system, second computing system*, all of which without observance as to what terminology should be proper in light of changes in communication or computer environment or time context, as perceived from interpreting the claim scenario. Appropriate correction is earnestly recommended in order to obviate further USC 112 type rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 6-10, 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2193

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, claim 1 recites ‘user input *instruction of a second operating system* on the second computer that *instructs the second operating system to execute an instruction equivalent to receiving the user input at an input peripheral device of the second computer*’. There is no single portion of the Specifications that remotely describes how, after being translated from a received XML element at the second Operating system, an ‘user input’ instruction OF the second operating system executes an instruction equivalent to receiving a user input at a input peripheral device OF the second computer (emphasis added). As disclosed in the Specifications, no input peripheral device **of** the second computer is nearly involved in any translation from the received XML using translator 216 at the server computer. That is, the translator operating at the second computer utilizes a matching process by which database (of XML elements) is being accessed to correspond database XML element to the instruction embedded in the tags of received XML element. (Specifications - pg. 13); that is, the *peripheral input device of the second computer* is NOT remotely mentioned in the process by which any database element is matched (by translator 216a) against that of the original user input (using peripheral device at the first computer) being embedded in the received XML. There cannot be equivalence of peripheral device input when, specifically, the *input peripheral device* information of the second computer is nowhere mentioned in the process of matching ‘user input’ with tags contents previously stored in the database. The matching as disclosed is to enable any XML (non-proprietary) embedded instruction to be understood at the second computer in order for the second computer to derive corresponding native instruction, which then can simulate/materialize the effects of the original

Art Unit: 2193

“user input” being a request as to output/display a file (i.e. ‘executing the user input instruction on the second computer’ – as claimed). The claim language recites (i) ‘execute an instruction equivalent to receiving the user input at an input peripheral device’, (ii) ‘translates ... XML item ... into user input instruction ... according to a database’ then (iii) ‘executing the user input instruction on the second computer’. According to the Disclosure only step (ii) and (iii) are reasonably conveyed. That is, there is no explicit teaching regarding **executing** (by the second operating system) an instruction equivalent to **receiving the user input at an input peripheral device OF THE SECOND COMPUTER**’ **in the course of** the ‘translates’ as in (ii) or **prior to** the executing as in (iii). Clearly, the XML element is disclosed as containing embedded (keyboard-based) instructions related to (first computer) user request for display or output, such that these embedded instructions are matched at the second computer in order for native corresponding instructions be derived, and executed therein to yield the requested output or display (see Specifications: pg. 3). There is no step (i) wherein the received XML element is first, **translated into a user input instruction** which then **instructs the second computer to execute an instruction** equivalent to **receiving the user input at an input peripheral device of the second computer** (emphasis added); all of which prior to the executing as in (iii). The inventor is deemed not in possession of the above limitation, and the translation and execution that instructs the second computer to execute an equivalent receiving of user input at the second computer peripheral input device is not given patentable weight; and, for the sake of prosecution, would be subsumed (emphasis added) in the matching step (ii) prior to the executing step (iii). Claims 6-10, 12 are likewise rejected for not remedying to the lack of having proper enabling support in the Specifications.

Art Unit: 2193

5. Claim 20, 28, 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Specifically, claim 20 recites “receives an incoming software object comprising a second non-proprietary data script from the second computing system ... wherein the second non-proprietary data script is translated into a system output instruction in the first computer language *by referencing the database to match contents of the second non-proprietary script to instructions in the first computer*”. According to the Disclosure, step 322 (Fig. 3) depicts where XML is received (from a server 112) back into Client 116a regarding an output instruction to be translated (using OS 218a and translator 222a). There is **no description** about referencing a database prior to the execution step 324. This referencing a database is deemed not having enabling support, and the claim is rejected for not complying with the written description; i.e. the inventor is not in possession of the database referencing step when XML script is returned back into the client system. This feature recited as ‘by referencing the database ... in the first computer’ will be given no patentable weight.

Claim 28, 30 are likewise rejected for not curing to the above deficiency.

6. Claims 21-25 are rejected likewise for reciting ‘wherein the incoming instructions are translated from the second XML item at the first computer by referencing the database’. After the XML item is returned back from a server, client 116a using translator 222a translates XML language into first computer system instruction to execute output instructions; and this is described in steps 322, 324 of Fig. 3. The inventor is deemed not in possession of this ‘referencing the database’ limitation, and this limitation will be given no weight.

Art Unit: 2193

Claims 22-25 are rejected for not remedying to the above lack of enabling support from the disclosure.

7. Claims 26, 29 are rejected likewise for reciting ‘receiving data from the second operating system ... creating data defining a second object ... by referencing **the** second database’. As disclosed, step 338 (Fig. 3; para 0041, pg. 15) does not mention about using any database in translating (using translator 216a) output instruction into a XML format. That is, a second ‘referencing’ step nowhere disclosed particularly when a first *referencing* (to a database) having been effectuated once in the claim such as ‘at the second computer, translating ... to a second user input instruction by referencing a second database comprising ... with user input instructions’. The ‘referencing the second database’ limitation will be given no patentable weight.

Claims 26 and 29 are rejected for not compliant with having a proper enabling description.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 6-10, 12, 20-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmenkaita et al., USPN: 2004/0176958 (hereinafter Salmenkaita).

As per claim 1, Salmenkaita discloses a method for providing remote computer control of a second computer from a first computer over a network, comprising:

receiving a user input instruction by a first operating system of the first computer via a first computer input peripheral device (*voice command* – Fig. 2A, 2D; *receive voice command* 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D);

at the first computer, translating the first user input into at least one XML item; (*embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; Fig. 3A; para 0167, pg. 13; *voice XML tags* -para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174, pg. 14; para 0232 pg. 19); and transmitting the at least one XML item from the first computer to the second computer (para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D; *context XML file 227, XML 231, message 515* - para 0167, pg. 13)

translating the at least one XML item into a user input instruction of a second operating system on the second computer that instructs the second operating system to execute an instruction equivalent to receiving the user input at an input peripheral device of the second computer (see below – refer to USC 112 Rejection – Note: server translating of XML content – see Fig. 4D - via parsing to yield corresponding instructions reads on equivalent instruction for the user instructions effectuated via first computer input devices – see *microphone 103, keypad 104* - Fig. 1),

wherein the second operating system translates the XML item into the user input instruction according to a database that comprises XML items associated to corresponding instructions of the second operating system (e.g. step 242, 244 - Fig. 4D - Note: server matching based on interfacing with database prestored recommendations – Fig. 6 – with regard to parsing

Art Unit: 2193

received message 515 – para 0167, pg. 13 – reads on according to a database that comprises XML corresponding instructions of the second computer);

executing the user input instruction on the second computer (e.g. boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0249, pg. 21; steps 364-366 Fig. 5A; para 0289-281, pg. 23 – Note: based on user request and providing voice recommendations as response to wireless device request for context-activity data for wireless user to implement user browser applications – see Fig. 3B - reads on executing at second computer of the wireless device user input instruction).

As per claims 6-7, Salmenkaita discloses a mouse input (touch pad as in *Touch sensor* - para 0072, pg. 6; Fig. 1); a keyboard input (see *keypad 104* - Fig. 1).\

As per claim 8, Salmenkaita discloses wherein translating the user input instruction into the at least one XML item comprises generating a first XML tag defining the beginning of the XML item, generating a data item corresponding to the first user instruction, and generating a second XML tag defining the end of the XML item (e.g. Table D, E, pg. 14; para 0155, pg. 11; *processing instruction* – para 0163-0164, pg. 12; step 708, 710 – Fig 7A; TABLE B, para 0167, pg. 13).

As per claim 9, Salmenkaita discloses wherein transmitting the at least one XML item to the second computer comprises transmitting the data using HTTP (Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

As per claim 10, Salmenkaita discloses wherein translating the at least one XML item into a second input instruction comprises identifying a first XML tag defining the beginning of an XML item, identifying a data item corresponding to a user input instruction, identifying a

Art Unit: 2193

second XML tag defining the end of an XML item (para 0232, pg. 19; *specification ... activity* – para 0156, pg. 11; para 0163-0164, pg. 12; Table B, pg. 13).

As per claim 12, Salmenkaita discloses computer readable medium having computer-implementable instructions stored thereon for performing the method recited in claim 1 (refer to claim 1).

As per claim 20, Salmenkaita discloses a system for remote computer access between computing systems comprising:

a first computing system having stored thereon software which when executed on the first computing system:

receives a user input via a first user interface of the first computing system; identifies user input instructions generated by a operating system on the first computer system in a first computer language (refer to claim 1; Fig. 1),

the user input instructions relating to generating a system output via a second user interface of the first computing system in response to the user input (e.g. para 0272, pg. 22; browser - para 0279-282, pg. 23; browser 102 - Fig. 3A-C – Note: returned results from WAP servers to be displayed at mobile browser reads on output via a second interface of first computing system – see Fig. 41),

translates the user input instructions into a first non-proprietary data script defining an outgoing software object such that the outgoing software object provides instructions to the second computer to execute instructions corresponding to the user input received via a first user interface of the first computer (TABLE B, para 0167, pg. 13; Fig. 4D),

Art Unit: 2193

the translation being accomplished by referencing a database to match the user input instructions in the first computer language to contents of the first non-proprietary script (para 0021, pg. 2: Fig 4; para 0164-0167 pg. 12-13 – Note: referring to past stored XML recommendations – para 0211, pg. 17 - prior to providing customized context as message 515 to server reads on referring to database to match any existing XML recommendations prior to create additional non-proprietary data for new recommendations)

transmits the outgoing software object to a second computing system (refer to claim 1), and receives an incoming software object comprising a second non-proprietary data script from the second computing system (file 250 – Fig. 4E, 4G; para 0181, pg. 15) reflecting a response to the user input instructions for execution on the second user interface of the first computing system (step 368 – Fig. 5A),

wherein the second non-proprietary data script is translated into a system output instruction in the first computer language (e.g. step 254, 256 - Fig. 4G; para 0213-0214, pg. 17) by referencing the database to match contents of the non-proprietary script to instructions in the first computer (see USC 112, 1st para Rejection); the system output instruction then being executed on the first computing system as a system output via the second user interface (step 256 - Fig. 4G; para 0228-0230, pg 18).

As per claim 21, Salmenkaita discloses a method for providing remote computer access, comprising:

at a first computer, receiving outgoing instructions relating to generating an output on the first computer from a first operating system in a first computer language executing on the first

Art Unit: 2193

computer (*voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D),

creating data defining a first XML item corresponding to the outgoing instructions such that the XML item provides instructions to the second computer to execute instructions corresponding to the output generated on the first computer, wherein the outgoing instructions are translated into the first XML item at the first computer by referencing a database that comprises XML items (e.g. para 0021, pg. 2: Fig 4; para 0164-0167 pg. 12-13 – Note: referring to past stored XML recommendations – para 0211, pg. 17 - prior to providing customized context as message 515 to server reads on referring to database to match any existing XML recommendations prior to create additional non-proprietary data for new recommendations) associated to corresponding instructions of the first computer language;

transmitting the first XML item from the first computer to the second computer (refer to claim 20);

at the first computer, receiving data from the second computer defining a second XML item (file 250 – Fig. 4E, 4G; para 0181, pg. 15) in response to the outgoing instructions;

creating incoming instructions relating to generating the output on the first computer from the data defining the second XML item, wherein the incoming instructions are translated from the second XML item at the first computer (step 254, 256 - Fig. 4G; para 0213-0214, pg. 17) by referencing the database (refer to the USC 112 Rejection); and executing the incoming instructions to generate the output at the first computer (refer to claim 20).

As per claim 22, Salmenkaita discloses wherein receiving incoming instructions relating to generating output comprises receiving instructions relating to generating visual or audio

Art Unit: 2193

output (e.g. para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C; para 0280, pg. 23).

As per claim 23, Salmenkaita discloses wherein creating the first XML item corresponding to the outgoing instructions relating to generating output comprises generating at least a first XML tag defining the beginning of the first XML item, generating a data item corresponding to the instruction relating to generating output; and generating at least a second XML tag defining the ending of the first XML item (e.g. para 0173-0174, pg. 14; Table D, E, pg. 14; para 0155, pg. 11; *processing instruction* – para 0163-0164, pg. 12).

As per claim 24, Salmenkaita discloses wherein transmitting the data defining the first XML item comprises transmitting the data defining one the first XML item using HTTP protocol (e.g. Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

As per claim 25, Salmenkaita discloses wherein creating incoming instructions relating to generating the output ((para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C) comprises identifying a first XML tag identifying the beginning of the XML item, identifying a data item corresponding to an input, and identifying a second XML tag identifying the ending of the XML item (e.g. XML 250, Fig. 4G; XML 250 – Fig. 4E).

As per claim 26, Salmenkaita discloses method for providing remote computer access between computing systems, comprising:

receiving a first user input instruction relating to a user input received via a first user interface of the first computer by a first operating system on the first computer using a first computer language (*voice command* – Fig. 2A, 2D; *receive voice command* 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D);

Art Unit: 2193

creating data defining a first software object in a non-proprietary format corresponding to the first user input instruction relating to the user input, wherein the data defining the first software object is created by referencing a first database (refer to claim 20) comprising software objects in non-proprietary formats associated with user input instructions;

transmitting the first software object from the first computer to the second computer (refer to claim 20);

at the second computer, translating the first software object from the non-proprietary format to a second user input instruction by referencing a second database comprising software objects in non-proprietary formats associated with user input instructions compatible with the second operating system and incompatible with the first operating system (e.g. step 242, 244 - Fig. 4D - Note: server matching based on interfacing with database prestored recommendations - Fig. 6 - with regard to parsing received message 515 - para 0167, pg. 13 - reads on according to a database that comprises XML corresponding instructions of the second computer);

executing the second user input instruction by the second computer, wherein the second user input instruction corresponds to the first user input received via the first user interface of the first computer (refer to claim 1);

receiving data from the second operating system related to the second user input instruction being executed, the data defining a first system output instruction, the first system output instruction relating to the first user input instruction (refer to claim 1);

creating data defining a second software object in the non-proprietary format that corresponds to the second user input instruction (refer to claim 20), wherein the data defining the

Art Unit: 2193

second software object is created by referencing the second database (refer to USC 112, Rejection);

transmitting the second software object from the second computer to the first computer (file 250 – Fig. 4E, 4G; para 0181, pg. 15);

at the first computer, translating the second software object to a second system output instruction being and executing the second system output instruction to render the user output by the first computer on a second user interface (refer to claim 20).

As per claim 27, Salmenkaita discloses wherein transmitting the data defining the first and second software objects at least one XML item comprises using the HTTP protocol to transmit the first and second software objects data defining at least one XML item (e.g. first object: XML 235, 231, Fig. 4F; second object: XML 250, Fig 4G).

As per claim 28, Salmenkaita discloses wherein the first user interface (e.g. input 264, Fig. 4H; microphone 103, keypad 104 touch sensor audio sensor light sensor - Fig. 3) is different from the second user interface (step 256 – Fig. 4E; browser 102, Fig. 3B).

As per claim 29, refer to claim 28

As per claim 30, (with reference to claim 20) Salmenkaita discloses second computing system having stored thereon software which when executed on the second computing system (server 140 – Fig. 4B):

receives the outgoing software object from the first computing device (XML 227 Fig 4D; XML 235 Fig. 4F); translates the first non-proprietary data script using a second device driver executing in conjunction with a second operating system executing on the second computer

Art Unit: 2193

system (steps 242, 244, 246 – Fig. 4D; step 243, 244, 246 – Fig. 4F; Method calls – Fig. 6) into the user input instructions identified by the first computing system

executes the user input instructions compatible with the second operating system (steps 242, 244, 246 – Fig. 4D; step 243, 244, 246 – Fig. 4F; Method calls – Fig. 6; Fig 7A-B);

identifies system output instructions; the system output instructions being responsive to the user input instructions identified by the first computing system (Note: method calls performed at client machine reads on identifying of second operating system instruction related to required output in response to requirements of incoming XML received from mobile device 100 - see Fig. 4D, 4F; Fig. 6);

translates the system output instructions into a second non-proprietary data script defining an incoming software object utilizing the second device drive(e.g. step 227, 242 – Fig. 4D); transmits the incoming software object(XML 250 – Fig 4G, 4F); and

a communications network operably coupled between the first computing system and the second computing system for transmitting the first and second non-proprietary data scripts defining incoming and outgoing software objects between the first computing system and the second computing system(XML 250 – Fig 4G, 4F).

Response to Arguments

10. Applicant's arguments filed 1/31/09 have been fully considered but they are moot in light of the new grounds of rejection which have been necessitated by the Amendments. That is, the arguments now presented revolve solely around the claim language as presented in the Amendments, therefore are no longer commensurate with the specifics of the rejection effectuated in the last Office Action.

Art Unit: 2193

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

February 17, 2009